



Legislation Text

File #: 051640, **Version:** 1

051640

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Cobblers Lofts Condominium Association to construct and maintain a private catch basin located under the city sidewalk for the premises at 234 East Reservoir Avenue, in the 6th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Cobblers Lofts Condominium Association to construct, keep and maintain a private catch basin for the premises at 234 East Reservoir Avenue.

Whereas, The applicant needed to construct a catch basin to pick up water flow from the building's drainage tile system; and

Whereas, Due to the location of the existing building footing along East Reservoir Avenue, the catch basin could not be constructed closer to the building on private property; and

Whereas, Said private catch basin may only legally encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Cobblers Lofts Condominium Association, 234 East Reservoir Avenue, Milwaukee, Wisconsin 53212, is hereby granted the following special privilege:

To construct, keep and maintain a private 3-foot diameter catch basin in the north, 15-foot wide sidewalk area of East Reservoir Avenue. Said catch basin is centered approximately 4 feet 4 inches south of the northline of East Reservoir and 1 foot 6 inches west of the westline of North Hubbard Street. Said catch basin is to be built to a minimum depth of 6 feet below the sidewalk grade.

Said catch basin shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said catch basin shall be maintained or removed from the public right-of-way, at such future time as it is no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Cobblers Lofts Condominium Association, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly

licensed to do business in this State, in the sum of \$1,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL:lja

May 15, 2006

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